

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

BRIAN G. EDENFIELD,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	NO. 5:10-CV-307 (MTT)
	:	
OFFICER HARTGROVE, <i>et al.</i> ,	:	
	:	Proceedings Under 42 U.S.C. § 1983
Defendants.	:	Before the U.S. Magistrate Judge
	:	

RECOMMENDATION

Plaintiff Brian G. Edenfield has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. Plaintiff, however, has failed to prosecute his action by failing to comply with the Court's orders. Accordingly, it is hereby **RECOMMENDED** that the action be **DISMISSED**.

On November 2, 2010, the Court issued an Order providing instructions to the parties in the above-styled action. Doc. 11. In that Order, Plaintiff was advised that he must diligently prosecute his action or face the possibility that it would be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Plaintiff has failed to prosecute his action diligently. On June 20, 2011, Defendants filed a Motion for Summary Judgment. Doc. 23. On June 21, 2011, the Court ordered Plaintiff to respond to Defendant's motion within twenty-one (21) days of his receipt of that Order. Doc. 24. On July 19, 2011, after the twenty-one days passed without a response from Plaintiff, the Court ordered Plaintiff to show cause by August 2, 2011, for his failure to respond to Defendant's motion. Doc. 25. In that Order, the Court reminded Plaintiff that his failure to prosecute could lead to the dismissal of his action. Plaintiff failed to respond to the show cause order by August 2, 2011.

On September 12, 2011, the Court received a letter from Plaintiff informing the Court that he was back in jail¹ and that he wished to file a complaint against Baldwin County jail for failure to give Plaintiff medical treatment for chest pains. Doc. 26. In a post-script to his letter, Plaintiff asked the Court if he could still proceed in this action even though he missed his “court date.” The Court construed Plaintiff’s letter as a response to the Court’s order to show cause and again ordered Plaintiff to respond to Defendant’s Motion for Summary Judgment within twenty-one days. Doc. 28. Plaintiff has failed to respond to that Order.

Because Plaintiff has repeatedly failed to comply with the Court’s orders, the Court must conclude that Plaintiff has abandoned his claims. Accordingly, **IT IS RECOMMENDED** that this action be **DISMISSED** with prejudice. Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation with the district judge to whom this case is assigned, **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this 23rd day of November, 2011.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge

¹ Plaintiff had previously informed the Court on April 19, 2011, that he had been released from jail. Doc. 20.